

U.S. Patent Application Serial No.: 09/280,699  
Submission Under 37 C.F.R. §1.114 dated November 22, 2004  
Response to the Office Action of May 21, 2004

### **REMARKS**

This Submission under 37 CFR § 1.114 is responsive to the Office Action dated May 21, 2004. Claims 1, 4, 7, 20 and 16 – 21 remain pending in the present application. The rejections set forth in the Office Action are respectfully traversed below.

#### **Rejections Under 35 U.S.C. §103**

Claims 1, 4, 7, 10, and 16 – 20 were rejected under 35 U.S.C. §103 over **Ushiki et al.** (JP 9-259391) in view of **Urabe** (USP 6,125,282). However, it is submitted that the cited prior art do not teach or suggest all the features recited in the present claimed invention.

The claims were amended to clarify that the present invention identifies the “type” of portable telephone set having either a mobile communication protocol or the Personal Handyphone System (PHS) communication protocol. Nothing in **Ushiki** teaches or suggests the present claimed features for discriminating between “types” of portable telephone sets, based on whether they employ a mobile communication protocol or a PHS communication protocol. For at least these reasons, the present claimed invention patentably distinguishes over **Ushiki**.

As for the further reference to **Urabe**, although **Urabe** addresses different types of communication protocols (e.g., col. 1, lines 24-31), **Urabe** does not teach or suggest, either alone or in combination, the *specific manner* of identifying the different types of portable telephone sets as recited in the present claimed invention. For instance, independent claims 1, 4, 7, 10, and 20 recite identifying the type of portable telephone set based on “a response with respect to an

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operation start signal of the communication protocol which is output to a data interface part of the portable telephone set.”

In contrast, **Urabe** describes a portable information terminal having a mobile communication function accessing different communication systems (third embodiment, see, e.g., column 7, lines 53-67). Such different communication systems have pre-defined access information stored in respective tables (see, e.g., column 8, lines 1-8). Selection of one of the different communication systems is done by a pre-determined priority (see, e.g., column 8, lines 45-60; Fig. 8; and step 101 of Fig. 10). The communication system is “switched” by selection of the highest priority table entry (column 8, lines 61-63).

No further details are given in **Urabe** as to exactly how the “switch” occurs. There is no disclosure or suggestion for selecting between a mobile communication protocol and a PHS communication protocol based on “a response with respect to an operation start signal of the communication protocol which is output to a data interface part of the portable telephone set.” For at least these further reasons, the present claimed invention patentably distinguishes over the prior art, either alone or in combination.

An Examiner’s Interview is requested. The Examiner is respectfully requested to contact Applicant’s undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees that may be due with respect to this paper to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



John P. Kong  
Attorney for Applicant  
Registration No. 40,054

JPK:kal  
1250 Connecticut Avenue, NW  
Suite 700  
Washington, D.C. 20036  
(202) 822-1100

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